When the war ended, California raisin industry members wanted to maintain the demand for their product overseas, but times were hard. It was time to plan for the future. A. ''Sox'' Setrakian is a leader in the industry who will forever be remembered for his dedication to the California raisin industry. He was the driving force behind the California Raisin Administrative Committee's implementation.

''Sox'' arrived in the United States from Izmir, Turkey, with little more than the clothes on his back. He became one of the most influential raisin industry leaders of all time. He was involved in the grape and raisin industry sharing the concern for more markets to accommodate the raisin production.

Raisin growers agreed that they needed to create a demand for the raisin supply. Things began to change in 1949 when the Agricultural Marketing Agreement Act of 1937, and the California Marketing Act of 1937, the federal marketing order was made effective in August of 1949. It would be managed under its administrative body known as the Raisin Administrative Committee, RAC. This is what the industry needed to expand its presence in the world. The purpose of RAC is to control the administration of California raisins.

It has been 50 years since RAC's implementation and it is stronger than ever. Today the industry credits ''Sox'' Setrakian who was the first chairman of RAC, leading the industry forward and opening new markets for California raisins.

Mr. Speaker, I want to pay tribute to the Raisin Administrative Committee, RAC, for leading the way for California raisins. I urge my colleagues to join me in wishing RAC many more years of continued success.

TRIBUTE TO THE LATE TOM McCULLOCH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1999

Mr. MCINNIS. Mr. Speaker, I wanted to ask that we all pause for a moment to remember a man who will live forever in the hearts of all that knew him and many that didn't. Tom McCulloch was a man who stood out to those around him. Friends remember him as a man who enjoyed the soil and the outdoors. But, most of all, he enjoyed his family and friends. His two sons, Kevin and Lance, and daughter Barbara brought him endless joy. He was known as a good and upright man.

His history in the Durango, Colorado area dates all the way back to the 1890's when his family homesteaded the ranch that is known today as one of the most beautiful in the country. Working the land was his passion; a friend of his, Arthur Isgar, said it was his pride and joy. When he was not working on his ranch he was at his medical practice in Durango. Friends contend that no one knew medicine better than Tom.

Tragically, when Dr. McCulloch was on his way to Egypt for a sightseeing trip, his plane EgyptAir flight 990 crashed just off the coast of Massachusetts.

Tom McCulloch is someone who will be missed by many. His friends and family will miss the man that they all enjoyed spending time with. The rest of us will miss the man who exemplified the selflessness that so few truly possess. It is with this, Mr. Speaker, that I say goodbye to a great American. He will be greatly missed.

ANTITRUST TECHNICAL CORRECTIONS ACT OF 1999

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1999

Mr. HYDE. Mr. Speaker, I rise in support of H.R. 1801, the Antitrust Technical Corrections Act of 1999, which I have introduced with Ranking Member CONYERS. H.R. 1801 makes four separate technical corrections to our antitrust laws. Three of these corrections repeal outdated provisions of the law: the requirement that depositions in antitrust cases brought by the government be taken in public; the prohibition on violators of the antitrust laws passing through the Panama Canal; and a redundant and rarely used jurisdiction and venue provision. The last one clarifies a long existing ambiguity regarding the application of Section 2 of the Sherman Act to the District of Columbia and the territories.

The Committee has informally consulted the antitrust enforcement agencies, the antitrust Division of the Department of Justice and the Bureau of Competition of the Federal Trade Commission, and the agencies have indicated that they do not object to any of these changes. In response to written questions following the Committee's November 5, 1997 oversight hearing on the antitrust enforcement agencies, the Department of Justice recommended two of the repeals and the clarification contained in this bill. The other repeal was recommended to the Committee by the House Legislative Counsel. In addition, the Antitrust Section of the American Bar Association supports the bill, and I ask unanimous consent to insert their comments in the RECORD.

First, H.R. 1801 repeals the Act of March 3, 1913. That act requires that all depositions taken in Sherman Act equity cases brought by the government be conducted in public. In the early days, the courts conducted such cases by deposition without any formal trial proceeding. Thus, Congress required that the depositions be open as a trial would be. Under the modern practice of broad discovery, depositions are generally taken in private and then made public if they are used at trial. Under our system, this act causes three problems: (1) it sets up a special rule for a narrow class of cases when the justification for that rule has disappeared; (2) it makes it hard for a court to protect proprietary information that may be at issue in an antitrust case; and (3) it can create a circus atmosphere in the deposition of a high profile figure. In a recent decision, the D.C. Circuit invited Congress to repeal this law.

Second, H.R. 1801 repeals the antitrust provision in the Panama Canal Act. Section 11 of the Panama Canal Act provides that no vessel owned by someone who is violating the antitrust laws may pass through the Panama Canal. The Committee has not been able to determine why this provision was added to the Act or whether it has ever been used. However, with the return of the Canal to Panamanian sovereignty at the end of 1999, it is appropriate to repeal this outdated provision. The Committee has consulted informally with the House Committee on Armed Services, which has jurisdiction over the Panama Canal Act. Chairman SPENCE has indicated that the Committee has no objection to this repeal, and the Committee has waived its secondary referral. I thank Chairman SPENCE for his cooperation.

Third, H.R. 1801 clarifies that Section 2 of the Sherman Act applies to the District and the territories. Two of the primary provisions of antitrust law are Section 1 and Section 2 of the Sherman Act. Section 1 prohibits conspiracies in restraint of trade, and Section 2 prohibits monopolization, attempts to monopolize, and conspiracies to monopolize. Section 3 of the Sherman Act was intended to apply these provisions to the District of Columbia and the various territories of the United States. Unfortunately, however, ambiguous drafting in Section 3 leaves it unclear whether Section 2 applies to those areas. The Committee is aware of at least one instance in which the Department of Justice declined to bring an otherwise meritorious Section 2 claim in a Virgin Island case because of this ambiguity. This bill clarifies that both Section 1 and Section 2 apply to the District and the Territories. All of the congressional representatives of the District and the Territories are cosponsors of the bill.

Finally, H.R. 1801 repeals a redundant antitrust jurisdictional provision in Section 77 of the Wilson Tariff Act. In 1955, Congress modernized the jurisdictional and venue provisions relating to antitrust suits by amending Section 4 of the Clayton Act. At that time, it repealed the redundant jurisdictional provision in Section 7 of the Sherman Act, but not the one contained in Section 77 of the Wilson Tariff Act. It appears that this was an oversight because Section 77 was never codified and has rarely been used. Repealing Section 77 will not diminish any jurisdictional or venue rights because Section 4 of the Clayton Act provides any potential plaintiff with the same jurisdiction and venue rights that Section 77 does and it also provides broader rights. Rather, the repeal simply rids the law of a confusing, redundant, and little used provision.

Since the Committee on the Judiciary ordered this bill reported, we discovered two drafting errors that we have corrected in the current managers' amendment that is before the House. One change corrects an incorrect reference to the United States Code. Secondly, we discovered that the language describing the scope of commerce covered by the territorial provision did not precisely parallel that in the existing section 3 of the Sherman Act, and we have changed that language so that the new subsection 3(b) will parallel the existing law.

In addition, we realized after reporting the bill that it would be helpful to clarify the effect of these changes on pending cases. Because the public deposition matter does not affect the litigants' substantive rights, we have made that change apply to pending cases. The other three changes could affect the substantive rights of litigants. For that reason, we have not made those changes apply to pending cases, although we believe that it is unlikely that there are any pending cases that are affected.

I believe that all of these provisions are noncontroversial, and they will help to clean up some underbrush in the antitrust laws. I recommend that the House suspend the rules